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09/647,049	11/14/2000	Miodrag Novakovic	4966-17PUS	2881

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EXAMINER

RHEE, JANE J

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 07/28/2003

1e

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/647,049

Applicant(s)

MIODRAG NOVAKOVIC

Examiner

Jane J Rhee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-7 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-7, 10-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 16 and 18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The new matter is “panel that are foldable along the folding lines such that the portions of the supporting plate on both sides of the folding line define an angle smaller than 180 degrees, and the side faces along the folding lines contact with one another to exclude any folding of the panel in the direction of increasing the angle above 180 degrees” (claim 18 lines 12-16) and “wherein the foldable portions of the supporting plate and the panel can be folded until they come in contact with one another” (claim 16).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-7,10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Owens (4931331).

Brown discloses a covering panel, particularly for a floor comprising a plurality of tiles (figure 1) a support plate having an upper face and a lower face and a thickness between the faces, the supporting plate being made from a flexible material that is elastically compressible in the direction of the thickness (figure 4 number 30), the tiles being individually attached to the upper face of the supporting plate (figure 4 number 10 and 30) while being juxtaposed with edges of adjacent tiles being aligned to form continuous lines on the upper face of the panel (figure 1 number 12) and portions of the supporting plate beneath the continuous lines formed by the aligned edges of adjacent tiles constituting folding lines along which the supporting plate and the panel are foldable (figure 17). Brown discloses that a tile comprises an upper covering plate (figure 4 number 10) and at least one lower rigid supporting plate (figure 3 number 26), made of a material with high flexural strength (col. 29 lines 20-23) and on which the upper plate is attached (figure 4 number 10 and 26). Brown discloses that the upper covering plate is a plate with low flexural strength (col. 10 lines 37-66). Brown discloses that the supporting plate (figure 4 number 30) is made of foam (col. 30 line 43). Brown discloses that the lower supporting plate is a plate such as plate of sheet metal or wood composite (col. 29 lines 20-22). Brown discloses that the tiles are attached on the flexible support plate by adhesive bonding (figure 7 number 24 and 32). Brown discloses that the panel constitutes an assembly that is rigid in the approximately flat state against the forces acting on the top of the panel (col. 30 lines 27-37). Brown

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discloses a covering particularly for a floor characterized in that it is formed by the contiguous juxtaposition of panels on a laying surface (figure 1). Brown discloses that a tile comprises an upper covering plate disposed on a rigid plate (figure 3 number 10 and 26). Brown discloses that the upper covering plate comprises stone, tile or wood (col. 10 lines 41-50).

Brown discloses that the individual mounting of the tiles on the flexible supporting plate, the flexibility of the supporting plate with the folding lines, and the compressibility of the supporting plate inherently constitute means of compensating for irregularities or flatness defects of a surface on which the panels are laid. Brown discloses the layers desired by the applicant such as an upper covering plate made of stone or wood (col. 10 lines 41-50), a lower rigid supporting plate made of sheet metal or wood composite (col. 29 lines 21-22) and support plate made of foam (col. 30 line 43), therefore, it is inherent that the panels are foldable along the folding lines such that the portions of the supporting plate on both sides of the folding line define an angle smaller than 180 degrees, and the side faces along the folding lines contact with one another to exclude any folding of the panel in the direction of increasing the angle above 180 degrees.

Brown fails to disclose that adjacent tiles are in contact with one another along their edges. Brown fail to disclose that the tile of covering extending parallel is formed by a strip to one edge of the panel and whose length corresponds to the length of the edge, and attached on several rigid plates juxtaposed in the direction of the length of

the strip on the supporting plate, several strips being juxtaposed on the supporting plate.

Owens teaches a tile product, which comprises a ceramic substrate having opposed major surfaces, and a layer of natural stone that preferable comprises a plurality of strips made of fossilstone (abstract). Owens' tile product is analogous to Brown's tile product since Brown discloses a stone tile product as well. Owens teaches that the tiles are in contact with one another along their edges for the purpose of forming a virtually seamless tile (col. 5 lines 22-25). Owens teaches a tile that is formed by a strip of covering extending parallel to one edge of the panel and whose length corresponds to the length of the edge, and attached on several rigid plates juxtaposed in the direction of the length of the strip on the supporting plate, several strips being juxtaposed on the supporting plate (figure 5c number 1) for the purpose of enabling a relatively unskilled individual to install in by himself (col. 3 lines 58-59).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Brown with tiles that are in contact with one another along their edges in order to form a virtually seamless tile (col. 5 lines 22-25) as taught by Owens.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided Brown with a tile that is formed by a strip of covering extending parallel to one edge of the panel and whose length corresponds to the length of the edge, and attached on several rigid plates juxtaposed in the direction of the length of the strip on the supporting plate, several strips being

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juxtaposed on the supporting plate (figure 5c number 1) in order to enable a relatively unskilled individual to install in by himself (col. 3 lines 58-59) as taught by Owens.

***Response to Arguments***

Applicant's arguments with respect to claims 3-7,10-18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 703-605-4959. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Jane Rhee  
July 17, 2003



SANDRA M. NOLAN  
PATENT EXAMINER  
T.C. 1700